

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7732 of 2019

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Vibhakar Kumar, aged about 37 years (Male), S/o Permanand Sah
Resident of Amarpur Dhobi Tola, P.s.-Amarpur, District-Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department Bihar Patna.
2. The Collector, Banka.
3. The Block Supply Officer, Amarpur, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate
For the State : Mr. Alok Ranjan, AC AAG5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-11-2019 Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner, in the present case, is seeking
provisional release of the Pick-Up Van bearing registration
No. BR-10G-7132 which has been seized in connection
with Banka P.S. Case No. 427 of 2014 under Section 7 of
the Essential Commodities Act.

Learned counsel for the petitioner submits that in
earlier matters this court has passed order dated 18.07.2019
in CWJC No. 8506/2019 and this writ application may be
disposed off in similar terms.



Learned counsel for the State has no objection to the same.

In the given facts and circumstances of the case, this writ application is being disposed off with liberty to the petitioner to file an appropriate application for provisional release of the vehicle in question before the Confiscating Authority i.e. the Collector, Banka (Respondent no. 2) before whom the confiscation proceeding is said to be pending. If such an application is preferred within a period of four weeks from today, the same will be considered and disposed off within next four weeks from the date of filing of the application in accordance with law.

At this stage, learned counsel for the petitioner has made a grievance that in several earlier matters the court has directed the Confiscating Authorities to consider and dispose off the applications seeking provisional release of the vehicles within the given time frame, but, in fact, the Confiscating Authority is not deciding the matter within the given period as a result whereof the vehicles are lying under open sky and losing it's road worthiness over the period. It is submitted that such matters are required to be considered.



At this stage, this court is of the considered opinion that the petitioner may raise his grievance before the Collector, Banka (respondent no. 2) and in case he does not decide the matter within the given period, he will have liberty to move this court immediately after expiry of the period fixed by this Court for an appropriate relief.

The Writ Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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